



# Senate

## File No. 901

General Assembly

January Session, 2011

**(Reprint of File No. 508)**

Substitute Senate Bill No. 1104  
As Amended by Senate Amendment  
Schedule "A" and House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
June 3, 2011

### **AN ACT CONCERNING CHARTER SCHOOLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66dd of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) For purposes of this section, "school professional" means any  
4 school teacher, administrator or other personnel certified by the State  
5 Board of Education pursuant to section 10-145b.

6 (b) (1) Subject to the provisions of this subsection and except as may  
7 be waived pursuant to subsection (d) of section 10-66bb, charter  
8 schools shall be subject to all federal and state laws governing public  
9 schools.

10 (2) [At] Subject to the provisions of subdivision (5) of this  
11 subsection, at least one-half of the persons providing instruction or  
12 pupil services in a charter school shall possess the proper certificate  
13 other than (A) a certificate issued pursuant to subdivision (1) of

14 subsection (c) of section 10-145b, or (B) a temporary certificate issued  
15 pursuant to subsection (c) of section 10-145f on the day the school  
16 begins operation and the remaining persons shall possess a certificate  
17 issued pursuant to said subdivision (1) or such temporary certificate  
18 on such day.

19 (3) The commissioner may not waive the provisions of chapters 163c  
20 and 169 and sections 10-15c, 10-153a to 10-153g, inclusive, 10-153i, 10-  
21 153j, 10-153m and 10-292.

22 (4) The state charter school governing council shall act as a board of  
23 education for purposes of collective bargaining. The school  
24 professionals and persons holding a charter school educator permit,  
25 issued by the State Board of Education pursuant to section 2 of this act,  
26 employed by a local charter school shall be members of the  
27 appropriate bargaining unit for the local or regional school district in  
28 which the local charter school is located and shall be subject to the  
29 same collective bargaining agreement as the school professionals  
30 employed by said district. A majority of those employed or to be  
31 employed in the local charter school and a majority of the members of  
32 the governing council of the local charter school may modify, in  
33 writing, such collective bargaining agreement, consistent with the  
34 terms and conditions of the approved charter, for purposes of  
35 employment in the charter school.

36 (5) For the school year commencing July 1, 2011, and each school  
37 year thereafter, the Commissioner of Education may waive the  
38 requirements of subdivision (2) of this subsection for any  
39 administrator or person providing instruction or pupil services  
40 employed by a charter school who holds a charter school educator  
41 permit, issued pursuant to section 2 of this act, provided not more than  
42 thirty per cent of the total number of administrators and persons  
43 providing instruction or pupil services employed by a charter school  
44 hold the charter school educator permit for the school year.

45 (c) School professionals employed by a local or regional board of

46 education shall be entitled to a two-year leave of absence, without  
47 compensation, in order to be employed in a charter school provided  
48 such leave shall be extended upon request for an additional two years.  
49 At any time during or upon the completion of such a leave of absence,  
50 a school professional may return to work in the school district in the  
51 position in which he was previously employed or a comparable  
52 position. Such leave of absence shall not be deemed to be an  
53 interruption of service for purposes of seniority and teachers'  
54 retirement, except that time may not be accrued for purposes of  
55 attaining tenure. A school professional who is not on such a leave of  
56 absence and is employed for forty school months of full-time  
57 continuous employment by the charter school and is subsequently  
58 employed by a local or regional board of education shall attain tenure  
59 after the completion of twenty school months of full-time continuous  
60 employment by such board of education in accordance with section 10-  
61 151.

62 (d) (1) An otherwise qualified school professional hired by a charter  
63 school prior to July 1, 2010, and employed in a charter school may  
64 participate in the state teacher retirement system under chapter 167a  
65 on the same basis as if such professional were employed by a local or  
66 regional board of education. The governing council of a charter school  
67 shall make the contributions, as defined in subdivision (7) of section  
68 10-183b for such professional.

69 (2) An otherwise qualified school professional hired by a charter  
70 school on or after July 1, 2010, and who has not previously been  
71 employed by a charter school in this state prior to July 1, 2010, shall  
72 participate in the state teacher retirement system under chapter 167a  
73 on the same basis as if such professional were employed by a local or  
74 regional board of education. The governing council of a charter school  
75 shall make the contributions, as defined in subdivision (7) of section  
76 10-183b for such professional.

77 (3) Any administrator or person providing instruction or pupil  
78 services in a charter school who holds a charter school educator permit

79 issued by the State Board of Education pursuant to section 2 of this act  
80 shall participate in the state teacher retirement system under chapter  
81 167a pursuant to subdivision (2) of this section when such  
82 administrator or person providing instruction or pupil services obtains  
83 professional certification pursuant to section 10-145b.

84       Sec. 2. (NEW) (*Effective July 1, 2011*) Subject to the provisions of  
85 subdivision (5) of subsection (b) of section 10-66dd of the general  
86 statutes, as amended by this act, the State Board of Education, upon  
87 the request of the state charter school governing council, may issue a  
88 charter school educator permit to a person who is employed by a  
89 charter school as a teacher or administrator and does not hold the  
90 initial educator, provisional educator or professional educator  
91 certificate if such person (1) achieves satisfactory scores on the state  
92 reading, writing and mathematics competency examination prescribed  
93 by and administered under the direction of the State Board of  
94 Education, or qualifies for a waiver of such test based on criteria  
95 approved by the State Board of Education, (2) achieves a satisfactory  
96 evaluation on the appropriate State Board of Education approved  
97 subject area assessment, and (3) demonstrates evidence of  
98 effectiveness. Such permit shall authorize a person to serve as an  
99 administrator or teacher in the charter school employing such person.  
100 Each such charter school educator permit may be renewed by the  
101 Commissioner of Education for good cause upon the request of the  
102 state charter school governing council employing such person at the  
103 time the charter for the school is renewed.

104       Sec. 3. Subsection (a) of section 10-153b of the general statutes is  
105 repealed and the following is substituted in lieu thereof (*Effective July*  
106 *1, 2011*):

107       (a) Whenever used in this section or in sections 10-153c to 10-153n,  
108 inclusive: (1) The "administrators' unit" means the [certified]  
109 professional employee or employees in a school district or charter  
110 school not excluded from the purview of sections 10-153a to 10-153n,  
111 inclusive, employed in positions requiring an intermediate

112 administrator or supervisor certificate, or the equivalent thereof, or  
113 charter school educator permit and whose administrative or  
114 supervisory duties, for purposes of determining membership in the  
115 administrators' unit, shall equal at least fifty per cent of the assigned  
116 time of such employee. Certified professional employees covered by  
117 the terms and conditions of a contract in effect prior to October 1, 1983,  
118 shall continue to be covered by such contract or any successor contract  
119 until such time as the employee is covered by the terms and conditions  
120 of a contract negotiated by the exclusive bargaining unit of which the  
121 employee is a member for purposes of collective bargaining pursuant  
122 to the provisions of this section. (2) The "teachers' unit" means (A) the  
123 group of professional employees who hold a certificate or durational  
124 shortage area permit issued by the State Board of Education under the  
125 provisions of sections 10-144o to 10-149, inclusive, and are employed  
126 by a local or regional board of education in positions requiring such a  
127 certificate or durational shortage area permit and are not included in  
128 the administrators' unit or excluded from the purview of sections 10-  
129 153a to 10-153n, inclusive, and (B) the group of professional employees  
130 who hold a certificate, durational shortage area permit issued by the  
131 State Board of Education under the provisions of sections 10-144o to  
132 10-149, inclusive, or a charter school educator permit issued by the  
133 State Board of Education under the provisions of section 2 of this act,  
134 and are employed by a charter school in positions requiring such a  
135 certificate, durational shortage area permit or charter school educator  
136 permit and are not included in the administrators' unit or excluded  
137 from the purview of sections 10-153a to 10-153n, inclusive. (3)  
138 "Commissioner" means the Commissioner of Education. (4) "To post a  
139 notice" means to post a copy of the indicated material on each bulletin  
140 board for teachers in every school in the school district or, if there are  
141 no such bulletin boards, to give a copy of such information to each  
142 employee in the unit affected by such notice. (5) "Budget submission  
143 date" means the date on which a school district is to submit its  
144 itemized estimate of the cost of maintenance of public schools for the  
145 next following year to the board of finance in each town having a  
146 board of finance, to the board of selectmen in each town having no

147 board of finance and, in any city having a board of finance, to said  
148 board, and otherwise to the authority making appropriations therein.  
149 (6) "Days" means calendar days.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	10-66dd
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	10-153b(a)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

### ***Explanation***

The bill is not anticipated to result in a fiscal impact as the per pupil grant to charter schools will not be impacted, and in order to qualify for the Teachers' Retirement Board, you must be a certified teacher.

The bill makes three changes impacting charter schools; 1) it allows the education commissioner, starting in the 2011-2012 school year, to waive state certification for teachers and administrators working at charter schools, if they meet certain qualifications, 2) it limits the number of charter school teachers and administrators who may hold certification waivers, to no more than 15% of the school's teachers and 15% of the school's administrators, starting in the 2012-2013 school year, and 3) it includes teachers and administrators who hold charter school education permits and who are employed by charter schools, to be a member of an appropriate collective bargaining unit.

House "A" allows teachers and administrators holding a charter school education permit, who are employed by a charter school to become a member of an appropriate collective bargaining unit, and did not result in a fiscal impact.

### ***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sSB 1104 (as amended by Senate “A” and House “A”)\******AN ACT CONCERNING CHARTER SCHOOLS.*****SUMMARY:**

This bill establishes a charter school educator permit and allows the education commissioner, starting in the 2011-12 school year, to issue such a permit to someone employed by a charter school as a teacher or administrator and who lacks the required state certification for the position. The permit allows a person to work in a charter school as a teacher or administrator.

The commissioner can issue the permit at the request of a charter school governing council to such an employee, if the person meets the bill’s qualifications. But the bill limits the number of teachers and administrators who may hold the permit in any year to no more than 30% of a charter school’s teachers and administrators combined.

The bill also makes anyone holding a charter school educator permit a member of the appropriate teachers’ or administrators’ unit for collective bargaining purposes. It requires a permit holder to become a member of the Teachers’ Retirement System (TRS) when he or she obtains a certificate from the State Board of Education (SBE). By law, only certified teachers and administrators may participate in the TRS.

Current law requires all teachers and administrators working in charter schools to hold either (1) the proper state certification for their positions or (2) a temporary 90-day or a temporary nonrenewable state certificate (see BACKGROUND). Under current law, at least half of those providing instruction or pupil services at a charter school must have the proper certification for the positions they hold, and no more



than half may be working under the temporary certificates.

\*Senate Amendment "A":

1. requires a noncertified teacher or administrator working at a charter school to hold a charter school educator permit rather than only a state certification waiver as allowed by the original bill;
2. limits the total number of employees in any charter school who may hold the permits to 30% of a charter school's teachers and administrators combined rather than to 15% of each group;
3. adds the provisions on bargaining units and TRS membership; and
4. eliminates a provision expressly authorizing an administrator who holds a certification waiver to supervise, and evaluate the performance of, anyone who teaches or provides other pupil services at the charter school where the administrator works.

\*House Amendment "A" expressly includes, as members of the appropriate collective bargaining unit, teachers and administrators who (1) hold charter school educator permits and (2) are employed by charter schools rather than boards of education or school districts.

EFFECTIVE DATE: July 1, 2011

## **CHARTER SCHOOL EDUCATOR PERMIT**

### ***Permit Qualifications***

Under the bill, the education commissioner can waive required state certification for a charter school teacher or administrator who holds a charter school educator permit. To receive a permit, the teacher or administrator must:

1. either pass the state reading, writing, and math competency test for teacher certification candidates (currently Praxis I) or meet SBE criteria for a testing waiver;

2. pass the same state test as a teacher or administrator certification candidate seeking to work in the same subject or administrative area (currently the appropriate Praxis II subject test); and
3. demonstrate effectiveness as a teacher or school administrator, as appropriate.

### ***Permit Renewals***

The bill allows the commissioner to renew permits, at the charter school's request and for good cause, when SBE renews the charter for the school where the teacher or administrator is employed. By law, most charters are renewable every five years.

### ***Collective Bargaining Units***

Under current law, only professional employees holding a state administrator or teaching certificate or durational shortage area permit are included in bargaining units under the Teacher Negotiation Act (TNA), the state law that governs teacher collective bargaining.

This bill adds those holding charter school educator permits and employed by charter schools to TNA administrator and teacher bargaining units, thus including them in collective bargaining agreements governing wages, hours, and working conditions. To be a member of the administrators' unit, a charter school employee must also hold a position requiring (1) a charter school educator permit or state intermediate administrator or supervisor certificate or its equivalent and (2) that the administrator spend at least 50% of his or her assigned time on administrative or supervisory duties. To be a member of a teachers' unit, a charter school employee must hold, and be employed in a position requiring, a state teaching certificate, durational shortage area permit, or charter school educator permit.

## **BACKGROUND**

### ***Temporary 90-Day Certificate***

By law, SBE may issue a temporary 90-day teaching certificate at the

written request of an employing board of education or charter school to an applicant who successfully completes an SBE-approved alternative route to certification program and who:

1. holds a bachelor's degree from an accredited higher education institution, with a major in or closely related to the subject or certification endorsement area in which the person will be placed, or if the person will be working in a secondary subject or special endorsement area, has either the minimum number of semester hours required for that area or receives a waiver of the requirement after achieving an excellent score on the SBE-designated subject area test;
2. passes the state's required teacher competency and subject area tests;
3. has an undergraduate grade point average (GPA) or, if the person has at least 24 graduate credits a graduate GPA, of at least B; and
4. demonstrates appropriate experience working with children.

The commissioner can waive the last two requirements for good cause.

A person holding a 90-day temporary certificate must complete a special teacher education and mentoring program for such certificate holders. In addition, the employing board or charter school must attest that it has a special plan for supervising the person.

The state board may issue a temporary 90-day certificate in any of the following endorsement areas: elementary education, middle grades education, secondary academic subjects, special subjects or fields, special education, early childhood education, or administration and supervision (CGS § 10-145b(c)(1) & (2); Conn. Agency Regs., § 10-145d-414).

#### ***Nonrenewable Temporary Certificate***

SBE may issue a nonrenewable temporary teaching certificate, good for one year, to an applicant:

1. who lived in another state in the year before applying, is certified in that state, taught successfully for at least a year at a public or approved private school there, and meets all requirements for Connecticut certification except passage of the competency and subject tests;
2. who graduated from an out-of-state teacher preparation program and meets all requirements for Connecticut certification except the competency and subject tests; or
3. hired by a charter school after July 1 for a teaching position in the coming school year who can reasonably be expected to meet the same requirements listed above for a temporary 90-day certificate by the beginning of the following school year (CGS § 10-145f(c)).

### **Charter Schools**

A charter school is a nonsectarian public school organized as a nonprofit corporation and operated independently of a local or regional board of education. The SBE grants and renews the charters, usually for five years and, as part of the charter, may waive certain statutory requirements applicable to other public schools. A charter school may enroll students in pre-kindergarten through grade 12 in accordance with its charter.

Charter schools are open to all students, including special education students, though they may limit the geographic areas from which students may attend. If a school has more applicants than spaces, it must admit students through a lottery.

### **COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea     27     Nay   5     (03/25/2011)